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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF NEVADA

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8 TREES WOWOR, *et al*,

9 Plaintiffs,

10 v.

11 MICHAEL ROSS, *et al*,

12 Defendants.

Case No. 2:12-cv-01630-APG-CWH

13 ORDER DISMISSING CASE

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15 Before the Court are the following:

16 1. Motion to Dismiss with Prejudice [Dkt #9], filed by Michael Ross, in his  
17 capacity as Trustee of the Harry Ross and Anna Ross Revocable Trust, dated July 9,  
18 1987 as restated on May 10, 1993, and as amended as to the Survivor's Trust only on  
19 August 31, 2000; the Estate of Harry Mathias Ross; and Michael Ross, in his capacity as  
20 special administrator of the Estate of Harry Mathias Ross ("defendants"); and

21 2. Pinetree Village, Ltd.'s Motion to Dismiss [Dkt #12].

22 In their Oppositions to the above Motions, Plaintiffs consent to the dismissal of this  
23 matter. The only dispute is whether dismissal should be with or without prejudice.

24 In their Complaint, Plaintiffs allege that they are residents of California. Plaintiffs  
25 also allege that defendant Pinetree Village, Ltd. is a California limited partnership. "[A]n  
26 incorporated association such as a partnership has the citizenship of all of its members."  
27 *Johnson v. Columbia Properties Anchorage, LP*, 437 F.3<sup>rd</sup> 894, 899 (9<sup>th</sup> Cir. 2006) (*citing*  
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1 *Carden v. Arkoma Associates*, 494 U.S.185, 195-96 (1990)). The only members of  
2 Pinetree Village, Ltd. were Harry Ross and Rudolph Silva, both of whom are residents of  
3 California. Because there is not complete diversity of citizenship among the plaintiffs  
4 and defendants as required under 28 U.S.C. § 1332, this Court lacks jurisdiction over  
5 this dispute.


6 Moreover, this Court lacks personal jurisdiction over Pinetree Village, Ltd. As  
7 detailed in Pinetree Village, Ltd.'s Motion to Dismiss [Dkt #12], and tacitly admitted by  
8 plaintiffs (by failing to rebut the factual allegations in the Motion), Pinetree Village, Ltd.  
9 lacks sufficient minimum contacts with Nevada. Thus, "the maintainence of the suit  
10 [would] offend 'traditional notions of fair play and substantial justice.'" *Helicopteros*  
11 *Nacionales de Columbia AA v. Hall, et al.*, 466 U.S. 408, 104, S.Ct. 1868, L.Ed. 2<sup>nd</sup> 404  
12 (1984) (citing *International Shoe Co. v. Washington*, 326 U.S. 310 (1945)). This Court  
13 lacks general and specific personal jurisdiction over Pinetree Village, Ltd.

14 Because this Court lacks jurisdiction over this dispute and personal jurisdiction  
15 over Pinetree Village, Ltd., dismissal should be without prejudice to Plaintiffs' ability to  
16 litigate its claims in the appropriate forum. Accordingly,

17 **IT IS HEREBY ORDERED** that this case is DISMISSED without prejudice to  
18 Plaintiffs' ability to litigate its claims in the appropriate forum.

19 The Clerk of the Court shall enter judgment accordingly.

20 Dated: May 14, 2013

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23 ANDREW P. GORDON  
24 UNITED STATES DISTRICT JUDGE  
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